

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND  
REHABILITATIVE SERVICES  
REHABILITATION SERVICES ADMINISTRATION  
WASHINGTON, DC 20202**

**POLICY DIRECTIVE  
RSA-PD-99-03  
DATE: February 12, 1999**

**ADDRESSEES:** STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)  
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)  
STATE REHABILITATION COUNCILS  
REGIONAL REHABILITATION CONTINUING EDUCATION ROGRAMS  
AMERICAN INDIAN VOCATIONAL REHABILITATION PROGRAMS  
CLIENT ASSISTANCE PROGRAMS  
RSA SENIOR MANAGEMENT TEAM

**SUBJECT:** State Plan for the State Vocational Rehabilitation Services Program  
under Title I, Part B and State Plan Supplement for the State  
Supported Employment Services Program under Title VI, Part B of  
the Rehabilitation Act of 1973, as Amended

**POLICY  
STATEMENT:**

**General Information**

This transmits the preprint and instructions for the State plan for the State Vocational Rehabilitation Services Program under title I, part B (Atitle I State plan@) and the State plan supplement for the State Supported Employment Services Program under title VI, part B (Atitle VI, part B supplement@) of the Rehabilitation Act of 1973, as amended (the AAct@).

The preprint was developed by a workgroup comprised of staff from State vocational rehabilitation agencies and the Rehabilitation Services Administration (RSA) to accommodate the 1998 Amendments to the Act and to reduce burden on the States. To this end, many former and new stand-alone State plan descriptions have been consolidated. Thus a careful reading of the attached preprint is necessary to ensure that all applicable State plan descriptions are addressed and submitted.

A State has the option of developing and submitting a separate single plan for the statewide workforce investment system under section 112 of the Workforce Investment Act (WIA) or a State unified plan under section 501(b) of (WIA). States that choose to include the title I State plan and its title VI, part B supplement in the State unified plan should follow the

instructions issued by the Department of Labor (DOL) with respect to the unified plan and submit the plan to RSA at the same time it is submitted to DOL. If the title I State plan and its title VI, part B supplement are included in the State unified plan, section 501(c)(1) of WIA stipulates that all requirements applicable to the plan and its supplement under program authorizing legislation (in this case, title I and title VI, part B of the Act) must be satisfied. In this regard, the attached instructions provide useful content information for various State plan requirements.

States that choose to submit a separate plan under section 112 of WIA for the statewide workforce investment system or an unified plan under section 501(b) of WIA that does not include the vocational rehabilitation program are to submit the title I State plan and its title VI, part B supplement separately to RSA and use the attached instructions.

### **Time of Submission**

Section 101(a)(1)(A) of the Act requires the submittal of the title I State plan and its title VI, part B supplement on the same date that the State submits its State plan under section 112 of WIA. If a State submits an unified plan without including the vocational rehabilitation program, RSA expects the title I State plan and its title VI, part B supplement to be submitted to RSA on the same date the State submits its unified plan under section 501(b) of WIA.

Although the Job Training Partnership Act does not expire until July 1, 2000, States have the option of submitting WIA State plans as soon as April 1, 1999, for WIA implementation on July 1, 1999, if they are prepared to do so. Other States that begin the process of preparing for WIA implementation prior to July 1, 2000 can submit WIA State plans soon after April 1, 1999, as late as April 1, 2000, or, at any time in between. Thus State vocational rehabilitation agencies need to establish and maintain close cooperation, collaboration and communication with the entities in the State responsible for the development and submission of the State plan under WIA.

### **Interim Submission**

A State that elects to submit its WIA State plan subsequent to October 1, 1999, must submit to the cognizant RSA Regional Office by July 1, 1999, a letter assuring that it is administering its vocational rehabilitation and supported employment programs in accordance with those provisions of its currently approved title I State plan and its title VI, part B supplement that remain in effect, (i.e., are consistent with the 1998 Amendments to the

Act) and with each of the new statutory requirements specified in the 1998 Amendments.

Specifically, the State must assure that it is administering its vocational rehabilitation and supported employment programs consistent with the following sections of its currently approved title I State plan and title VI, part B supplement: sections 1; 2.1; 2.2; 2.4; 3.3; 4.3; 4.4; 4.5; 4.6; 4.7; 4.8; 4.10; 4.11; 4.13; 4.14; 4.16; 5.2; 6.1; 6.3; 6.4; 6.5; 6.7; 6.9; 6.10; 6.12; 6.15; 7.3; 7.4; 7.5; 7.6; 7.7; 8.1; 8.2; 9.1; and, 9.2.

In addition, the State must submit, as attachments to its assurance letter, descriptions or amended State plan preprint pages related to any of the above identified sections that reflect changes in State policies and administration of the vocational rehabilitation and supported employment programs. At a minimum, the State must submit annual amendments related to sections 4.4 (input of the State Rehabilitation Council regarding the administration of the State plan, if the State has a Council); 6.7 (order of selection); and 7.4 (goals and plans for distribution of title VI, part B funds).

Regarding new State plan requirements in the 1998 Amendments, the State must also assure that it is administering the vocational rehabilitation and supported employment programs consistent with the following sections of the attached State plan preprint: 3.1; 4.1; 4.2; 4.4; 4.9; 4.12; 4.13; 4.16; 5.1; 5.3; 5.4; 5.5; 6.3; 6.5; 6.8; 6.10; 6.11; 6.12; 7.1; 7.2; and, 9.3.

The State must also submit annual updates of State plan descriptions related to the comprehensive system of personnel development (4.11) and the use of title I funds for innovation and expansion activities (4.12(e)). Finally, the State must submit attached descriptions related to the following new requirements in the 1998 Amendments: cooperation with agencies that are not in the statewide workforce investment system (4.9(c)(1)); State=s assessments, estimates, goals and priorities; strategies and progress reports (4.12); and, mediation and impartial due process hearing procedures (4.16). In addition, in accordance with section 427 of the General Education Provisions Act, the State must submit an attachment describing its efforts to overcome identified barriers relating to equitable access to and participation of individuals with disabilities in the vocational rehabilitation and supported employment programs (4.12(d)(3)).

The assurance letter and the required attachments are to be submitted to the cognizant RSA Regional Office by July 1, 1999.

**Additional Information**

The attached State plan materials were developed based on the requirements of the Act and the current regulations in 34 CFR 361 and 363 that were not affected by the 1998 Amendments to the Act thus, consistent with section 101(a)(1)(C) of the Act, a State may need to amend its State plan and/or supplement once final regulations implementing the 1998 Amendments to the Act become effective.

If the State plan and its supplement are subject to the State review process, RSA approval of the plan and its supplement is contingent on the receipt of comments from the review process, or the passage of at least 60 days from the date of submittal of the plan to the State review process.

**CITATIONS IN LAW:** Sections 101 and 625 of the Rehabilitation Act of 1973, as amended.

**CITATIONS IN REGULATIONS:** 34 CFR Parts 74, 76, 77, 78, 79, 80, 81, 82, 85, 361 and 363.

**EFFECTIVE DATE:** Upon Issuance

**EXPIRATION DATE:** None

**INQUIRIES:** RSA Regional Offices

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Fredric K. Schroeder  
Commissioner

Attachments

cc: CSAVR  
NAPAS  
NCIL  
RSA Regions II, IV, V, VIII and X

**OMB Number: 1820-0500**

**Expiration Date: August 31, 1999**